

WIOA Side by Side Comparison

1. INDEPENDENT LIVING (IL)

Before WIOA	After WIOA
<p>1.1 (Public Law 3; 29 USC 702)</p> <p>Oversight for IL services and ILCs were administered by Rehabilitation Services Administration (led by Commissioner) of United States Department of Education (led by Secretary)</p>	<p>1.1 (WIOA 472)</p> <p>Oversight for IL services and Independent Living Centers (ILCs) is now vested in newly created Independent Living Administration (led by Director) within the Administration for Community Living (led by Administrator) of the United States Department of Health and Human Services (led by Secretary).</p>
<p>1.2 (Public Law 704(a)(1),(2), 705; 29 USC 796c and 796d)</p> <p>Required the director of the designated state unit (DSU) and chairperson of SILC to develop and sign SPIL to submit to the Commissioner.</p> <p>Established no requirement that the SPIL describe how the state would provide IL services to promote full access to community life for individual with significant disabilities.</p>	<p>1.2 (WIOA 474, 475)</p> <p>Requires chairperson of the State Independent Living Council (SILC) and the directors of ILCs to now jointly develop the State Plan for Independent Living (SPIL) to be signed, as before, by chairperson of SILC and director of designated state entity (DSE), but now must also be signed by at least 51 percent of directors of ILCs to submit to the Administrator, instead of the Commissioner.</p> <p>Requires SPIL to describe how the state will provide the IL services described in Public Law 7(18) that promote full access to community life for individual with significant disabilities.</p>
<p>1.3 (Public Law 704(c); 29 USC 796c)</p> <p>Established the designated state unit (DSU) as the agency on behalf of the state, to receive, account for and, distribute funds based on the state plan, provide administrative support services for program under programs under Title VII B and Title VII C, maintain records, and provide information or assurances to the Commissioner.</p>	<p>1.3 (WIOA 474)</p> <p>Replaces the designated state unit (DSU) with the designated state entity (DSE), as the entity, identified by the state, that is still required to perform the same functions: receive, account for, and distribute funds based on the SPIL, provide administrative support services for programs under Title VII B, maintain records, and provide information or assurances to the Administrator (instead of the Commissioner.)</p>
<p>1.4 (Public Law 704(c); 29 USC 796c)</p> <p>Established no cap on use of funds for administrative support services under Title VII.</p>	<p>1.4 (WIOA 474)</p> <p>Adds a cap of 5 percent of the funds received by the State in any fiscal year under Title VII B (Independent Living Services) that the designated state entity may retain to (1) receive, account for, and disburse funds received under Title VII, (2) administrative support services for programs under Title VII B, (3) maintain records, and (4) provide information or assurances to the</p>

	Administrator.
<p>1.5 (Public Law 7(17) and (18) and 704; 29 USC 705(21)(B) and 796c)</p> <p>Established four IL core services - information and referral services; IL skills training; peer counseling; and individual systems and advocacy.</p>	<p>1.5 (WIOA 474; 404)</p> <p>Adds a fifth category of core services for the: (i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with requisite supports and services; (ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and (iii) facilitate the transition of youth with significant disabilities, who were eligible for Individualized Education Plans and have completed their secondary education or otherwise left school, to postsecondary life.</p>
<p>SILC - 1.6 (Public Law 705(b)(2)(C); 29 USC 796d)</p> <p>Required SILC to include at least one representative of the directors of the projects carried out under section 121 (VR services grants for American Indians) in states with such projects.</p>	<p>SILC - 1.6 (WIOA 475)</p> <p>Requires the voting members of SILC to include at least one director of an ILC run by, or in conjunction with, the governing bodies of American Indian tribes located on federal or state reservations, if applicable.</p>
<p>SILC - 1.7 (Public Law 705(c)(3); 29 USC 796d)</p> <p>Required SILC to coordinate activities with State Rehabilitation Council (SRC) and councils that address the needs of specific disability populations and issues under other federal law.</p>	<p>SILC - 1.7 (WIOA 475)</p> <p>Adds to SILC's functions, as appropriate, coordination of activities with other entities in the state that provide services similar to or complementary to IL services, such as entities that facilitate the provision of or provide long-term community-based services and supports.</p>
<p>SILC - 1.8 (Public Law 705; 29 USC 796d)</p> <p>Established no authority for SILC to work with ILCs to coordinate services with public and private entities, conduct resource development activities, and perform other functions as appropriate.</p>	<p>SILC - 1.8 (WIOA 475)</p> <p>Authorizes SILC, consistent with the SPIL, to work with ILCs to coordinate services with public and private entities, conduct resource development activities, and perform other functions as appropriate.</p>
<p>SILC - 1.9 (Public Law 705; 29 USC 796d)</p> <p>Established no authority for or prohibition against SILC providing IL services directly to individuals with significant disabilities or manage such</p>	<p>SILC - 1.9 (WIOA 475)</p> <p>Prohibits SILC from providing IL services directly to individuals with significant disabilities or manage such services.</p>

services.	
SILC - 1.10 (Public Law 705(f); 29 USC 796d) Authorized SILC to reimburse members for reasonable and necessary expenses of attending meetings and performing duties, including child care and personal assistance services, and to pay compensation to a member, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing duties.	SILC - 1.10 (WIOA 475) Appears to eliminate reimbursement to members for child care expenses by deleting reference to this specific expense and qualifies the compensation that may be paid to members as reasonable compensation.
1.11 (Public Law 706; 29 USC 796d-1) Charged the Commissioner with approving state plan submitted under Public Law section 704 and developing and publishing performance indicators for ILCs no later than October 1, 1993.	1.11 (WIOA 475A) Charges the Administrator with approving the SPIL and developing and publishing performance indicators for ILCs and now also SILC no later than one year after the enactment of WIOA (July 22, 2015).
Independent Living Administration - 1.12 (Public Law 706; 29 USC 796d-1) Charged the Commissioner with conducting on site compliance reviews and providing an annual report on ILC performance, including results from onsite compliance reviews.	Independent Living Administration - 1.12 (WIOA 475A) Charges the Director of Independent Living Administration with conducting on site compliance reviews, providing to the Administrator an annual report on ILC performance, including results from onsite compliance reviews, and ensuring the report is made publicly available in a timely manner, including through electronic means.
Funding Title VII B - 1.13 (Public Law 711; 29 USC 796e) Required Commissioner to grant Title VII B funds to states as a formula grant.	Funding Title VII B - 1.13 (WIOA 476) Requires Administrator to grant Title VII B funds to states as a formula grant.
Funding Title VII B - 1.14 (Public Law 711-714; 29 USC 796e) Identified the State as the recipient of Title VII B funds.	Funding Title VII B - 1.14 (WIOA 476) Requires designated state entity to administer Title VII B funds, in accordance with the SPIL
Funding Title VII B - 1.15 (Public Law 711; 29 USC 796e) Established no requirement that Commissioner reserve funds to provide training and technical assistance to SILCs.	Funding Title VII B - 1.15 (WIOA 476) Adds new Public Law section 711A, requiring Administrator for each fiscal year beginning with fiscal year 2015 to first reserve between 1.8 and 2

	<p>percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to SILCs, survey SILCs to determine needs and thus funding priorities, and establishes application process for grants, contracts or cooperative agreements for the provisions of training and technical assistance to SILC.</p>
<p>1.16 (Public Law 713; 29 USC 796e-2)</p> <p>Established no limits on the amount of funds used to carry out duties under Public Law section 705(e) and performance of administrative support services for program under Title VII B, maintain records, and provide information or assurances to the Commissioner.</p>	<p>1.16 (WIOA 476)</p> <p>Authorizes states to use Title VII B funds as follows: no more than 30 percent for the SILC to carry out its duties under Public Law section 705(e), unless the need for a greater percentage is specified in the SPIL; not more than 5 percent for the performance of administrative support services for program under Title VII B, maintain records, and provide information or assurances to the Administrator; and remaining funds distributed in a manner consistent with the SPIL for the authorized activities (Public Law 713.)</p>
<p>1.17 (Public Law 713; 29 USC 796e-2)</p> <p>Established no specific emphasis on the provision of independent living services to individuals with significant disabilities in unserved areas of the state in authorized uses of funds.</p>	<p>1.17 (WIOA 476)</p> <p>Emphasizes the provision of independent living services to individuals with significant disabilities in unserved areas of the state in authorizing uses of funds in Public Law section 713.</p>
<p>1.18 (Public Law 714; 29 USC 796e)</p> <p>Authorized such sums as may be necessary for each of the fiscal years 1999 through 2003.</p>	<p>1.18 (WIOA 476)</p> <p>Authorizes the following appropriations: \$22,878,000 for fiscal year 2015; \$24,645,000 for fiscal year 2016; \$25,156,000 for fiscal year 2017; \$25,714,000 for fiscal year 2018; \$26,319,000 for fiscal year 2019; and \$26,877,000 for fiscal year 2020.</p>
<p>Title VII C Funding - 1.19 (Public Law 721; 29 USC 796f)</p> <p>Authorized Commissioner for fiscal year 1999, and subsequent years thereafter, to make funds available to States and other entities for the activities enumerated in Public Law section 721(b) through (d). Required Commissioner to reserve between 1.8 and 2 percent of funds that exceeded funds appropriated for fiscal year 1993 to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating ILCs to eligible agencies, ILCs and SILC through grants, contracts or other agreements with entities that have experience in</p>	<p>Title VII C Funding - 1.19 (WIOA 481)</p> <p>Authorizes Administrator for fiscal year 2015, and subsequent years thereafter, to make funds available to ILCs and other entities for the activities enumerated in Public Law section 721(b) through (d). Reserves between 1.8 and 2 percent of the funds for grants, contracts or cooperative agreements with entities that have experience in the operation of ILCs to provide training and technical assistance with respect to fiscal management, planning, developing, conducting, administering, and evaluating ILCs. Requires Administrator to survey ILCs in order to determine</p>

the operation of ILCs. Required Commissioner to survey SILC and ILCs in order to determine the funding priorities based on needs and established an application process for awarding the grants, contracts or other agreements.	the funding priorities based on needs, and establishes an application process for awarding the grants, contracts or cooperative agreements.
Independent Living Centers - 1.20 (Public Law 721; 29 USC 796f-1) Required Commissioner to consider comments of SILC when selecting among applicants for a grant for a new ILC.	Independent Living Centers - 1.20 (WIOA 482) Requires Administrator to consider comments from individuals with disabilities and other interested parties within the new region proposed to be served in addition to SILC when selecting among applicants for a grant for a new ILC.
Title VII C Appropriations (DOR does not receive Title VII C funds directly; these go straight to each of the ILCs.) 1.21 (Public Law 727; 29 USC 796f-6) Appropriated such sums as may be necessary for each of the fiscal years 1999 and 2003.	Title VII C Appropriations (DOR does not receive Title VII C funds directly; these go straight to each of the ILCs.) 1.21 (WIOA 484) Authorizes the following appropriations: \$78,305,000 for fiscal year 2015; \$84,353,000 for fiscal year 2016; \$86,104,000 for fiscal year 2017; \$88,013,000 for fiscal year 2018; \$90,083,000 for fiscal year 2019; and \$91,992,000 for fiscal year 2020.
IL Services for Older Individuals who are Blind - 1.22 (Public Law 751 through 753; 29 USC 796f-6) Established no percentage of funds for training and technical assistance to States or other providers of IL services for older individuals who are blind.	IL Services for Older Individuals who are Blind - 1.22 (WIOA 486) Remains within the Rehabilitation Services Administration. Requires Commissioner to reserve between 1.8 and 2 percent of program funds to provide training and technical assistance to designated State agencies or other providers of IL services for older individuals who are blind.
1.23 (Public Law 753; 29 USC 796l) Appropriated such sums as may be necessary for each of the fiscal years 1999 and 2003.	1.23 (WIOA 488) Authorizes the following appropriations: \$33,317,000 for fiscal year 2015; \$35,890,000 for fiscal year 2016; \$36,635,000 for fiscal year 2017; \$37,448,000 for fiscal year 2018; \$38,328,000 for fiscal year 2019; and \$39,141,000 for fiscal year 2020.

2. DISTINCT SERVICES TO YOUTH

Before WIOA

After WIOA

State Plan

2.1 (WIOA 412)

2.1 State Plan-

No section regarding Students with Disabilities and the Statewide Needs Assessment did not need to address transition needs.

(1) In state plan, must provide assurance that state will report on number of students with disability who are receiving pre-employment transition services (2) Plan must also include strategies for coordination with employers on transition services for youth and students with disabilities. (3) State plan shall include results of the comprehensive statewide needs assessment, which shall include the transition needs of both youth with disabilities and students with disabilities. (4) State Plan shall contain a separate assessment of the needs individuals with disabilities for transition and pre-employment transition services. (5) State Plan shall identify strategies for methods used to improve/expand VR services for students with disabilities. (6) State Plan must now include a section entitled "Services for Students with Disabilities" which describes the strategies to address the needs of the needs assessment and providing pre-employment transition services. (7) New construction clause stating that nothing in this part shall be construed to reduce the obligation under IDEA for local educational agencies to provide/pay for transition services that are required to ensure a FAPE (Free Appropriate Public Education.)

2.2 IPE -

Transition services was not a mandatory component.

IPE

2.2 (WIOA 413)

IPE must include specific transition services if the eligible individual is a student.

2.3 Definition of Student and Youth with a Disability -

undefined in previous Rehabilitation Act.

Definition of Student and Youth with a Disability

2.3 (WIOA 404)

Two new definitions: (1) Student with a disability = 16 to 21 who is eligible for and receiving IDEA services or is an individual with a disability for purposes of section 504. (2) Youth with a disability = 14 to 24. Pre-employment transition services must be provided only to "students with a disability."

2.4 Pre-Employment Transition Services (PETS) -

N/A. New term under WIOA.

Pre-Employment Transition Services (PETS) -

2.4 (WIOA 422)

Per new Rehab Act Section, DOR is required to provide the following 5 activities to students with disabilities (16 to 21 year-olds) who are eligible or potentially eligible for VR services: (1) job exploration counseling, (2) work-based learning opportunities, (3) counseling on post-secondary educational opportunities (4) workplace readiness training, & (5) instruction in self-advocacy. DOR is authorized, but not required to provide the 9 activities, specifically identified in the Act.

2.6 15% set aside -

N/A. New requirement under WIOA.

15% set aside -

2.6 (WIOA 419)

Requires all states to use at least 15% of section 110 state allotments for provision of pre-employment transition services. The 15% cannot

be used to pay for administrative costs of providing the pre-employment transition services.

**Transition Coordination -
2.7 (WIOA 422)**

2.7 Transition Coordination -

N/A. New section under WIOA.

Each local office of a DSE must: (1) attend IEP meetings for students with disabilities when invited, (2) work with local workforce development boards, One-Stop centers, and employers to develop work opportunities for students with disabilities, (3) work with schools, to coordinate and guarantee the provision of pre-employment transitions services (4) attend person-centered planning meetings for individuals receiving services under Title 19 of Social Security Act, when invited.

3. SUPPORTED EMPLOYMENT

Before WIOA

After WIOA

3.1 (Public Law 621; USC 795g)

Purpose of Subtitle G (Employment Opportunities for Individuals with Disabilities) was to assist states in providing supported employment services for individuals with the most significant disabilities to achieve the employment outcome of supported employment.

3.1 (WIOA 461)

Changes purpose of Subtitle G to assist states in providing supported employment services for individuals with the most significant disabilities, including youth, to achieve the employment outcome of supported employment in competitive integrated employment.

3.2 (Public Law 625; USC 795K)

Administration costs were limited to five percent or less of the allotment.

3.2 (WIOA 461)

Administration costs limited to 2.5% of the allotment.

3.3 No previous requirement to spend half of subtitle G allotment on youth.

3.3 (WIOA 461)

States receiving funds under Subtitle G must use half of the allotment for provision of supported employment services, including extended services to youth.

**3.4 Supported Employment
(Public Law 7, USC 705(35)) -**

Supported employment services not to exceed 18 months, unless special circumstances existed.

**Supported Employment -
3.4 (WIOA 404)**

Individuals may now receive supported employment services for up to 24 months, but it may be extended under special circumstances.

3.5 Extended Services

Extended Services -

(Public Law 623; 795(i)) -

Funds allotted under Subtitle G could not be used for extended services.

3.5 (WIOA 461)

Funds allotted under Subtitle G may be used to provide extended services to only youth with the most significant disabilities. Extended services not to exceed 4 years.

4. SUB-MINIMUM WAGE

Before WIOA

After WIOA

4.1 (WIOA 458)

Section 511 will prohibit sub-minimum wage for individuals aged 24 or younger, unless: 1) the individual is, as of July 22, 2016, already employed at sub-minimum wage by a certified employer; or 2) the individual has received pre-employment transition services, career counseling, and information and referrals designed to enable the individual to obtain competitive integrated employment and the individual either I) applied for vocational rehabilitation services and was found ineligible or II) individual determined eligible, has an IPE, individual is working toward an employment outcome and received appropriate supports and services including supported employment services for a reasonable period of time, without success, resulting in case closure, and individual has been provided career counseling and information and referrals to federal and state programs to help the individual discover, experience and attain competitive integrated employment, and the counseling and information was not for employment at subminimum wage.

4.1 No provision on subminimum wage.

Effective Date: July 22, 2016.

5. SERVICES TO EMPLOYERS AND EMPLOYER ENGAGEMENT

Before WIOA

After WIOA

**Training and Services to Employers -
10.1 (Public Law 109, 29 U.S.C. 728a)**

State could choose to expend federal funds received from the VR Services grant to (1) carry out a program to train employers on compliance with Title I of the Americans with Disabilities Act, and (2) inform employers of the existence of this training program.

**Training and Services to Employers -
10.1 (WIOA 418)**

State can choose to expend federal funds received from the VR Services grant to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities who are receiving VR services, including but not limited to: (1) providing training and technical assistance on compliance with the Americans with Disabilities Act, other employment related laws, and disability awareness, (2) working with employers to provide work-based learning opportunities, recruiting qualified individuals with disabilities, training employees who are individuals with disabilities, and promoting awareness of disability-related obstacles to continued employment, (3) providing consultation, technical assistance, and support to employers on accommodations, assistive technology, and

workplace access to enable employers to recruit, job match, hire, and retain qualified individuals with disabilities who receive VR services, and (4) assist employers with utilizing available support for hiring or accommodating individuals with disabilities.

Local Workforce Board Employer Engagement - 10.2 (WIOA 107)

Local Workforce Board Employer Engagement -

10.2 No provision for requiring local workforce board to engage with employers.

Requires the local workforce board to lead efforts to engage with a diverse range of employers and entities in their region to (1) promote business representation on the local board, (2) develop effective linkages with employers in the region, (3) ensure that workforce investment activities meet the needs of local employers, and (4) develop and implement proven or promising strategies for meeting employment and skill needs of workers and employers in the region.

Effectiveness in Serving Employers 10.3 (WIOA 116)

Effectiveness in Serving Employers

10.3 No performance measure evaluating effectiveness in serving employers.

New performance measure evaluating each of the core programs effectiveness in serving employers. The Secretaries of Labor and Education will jointly develop and establish one or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers before June 30, 2016.

Job- Driven Training 10.4

In his 2014 State of the Union address, President Obama asked Vice President Biden to "lead an across-the-board reform of America's training programs to make sure they have one mission: train Americans with the skills employers need, and match them to good jobs that need to be filled right now." The review resulted in a report titled, "Ready to Work: Job-Driven Training and American Opportunity" released the same day that President Obama signed WIOA.

The Report defines a Job-Driven program as one that is, "responsive to the needs of the employers in order to effectively place ready-to-work Americans in jobs that are available now or train them in the skills needed for better jobs." The Report contained a seven-point checklist for Job-Driven Training to help guide administrative reforms.

Although WIOA and the Job-Driven Report developed separately, WIOA furthers several of the goals identified in the Report and, in addition, the Secretaries of Education, Labor, and Commerce have committed to integrating the elements in the Job-Driven Training checklist into competitive and formula grants and considering the elements of the checklist while implementing WIOA.

Job Driven Training 10.4 No provision

This table was last amended March 17, 2015.